

Evans Prieston, Esq. 3062098
Tracy L. Henderson, Esq. 252888
Admitted Pro Hac Vice
American Mortgage Law Group
75 Rowland Way, Suite 350
Novato, CA 94945
Telephone: (415) 878-0300
Facsimile: (415) 878-0035

Attorneys for Republic State Mortgage Company

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
)	Case No. 08-13555-scc
)	
LEHMAN BROTHERS HOLDINGS., et al.,)	
Debtors.)	
)	

**AFFIRMATION IN SUPPORT OF *EX PARTE* APPLICATION FOR
THE ENTRY OF AN ORDER TO SHOW CAUSE AND SETTING A
HEARING ON THE MOTION OF REPUBLIC STATE MORTGAGE
COMPANY PURSUANT TO RULE 60(b)(6) OF THE FEDERAL
RULES OF CIVIL PROCEDURE FOR AN ORDER VACATING THE
“ALTERNATIVE DISPUTE RESOLUTION PROCEDURES ORDER
FOR INDEMNIFICATION CLAIMS OF THE DEBTORS AGAINST
MORTGAGE LOAN SELLER, REPUBLIC STATE MORTGAGE
COMPANY”**

Republic State Mortgage Company hereby files this *ex parte* application (“Application”) for entry of an Order to Show Cause, substantially in the form of the order attached hereto as Exhibit A, staying Republic State Mortgage Company’ obligation to respond or mediate under this Court’s Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Seller, Republic State Mortgage Company (the “ADR Order”) and setting a hearing on Republic State Mortgage Company’ Motion pursuant to *Rule 60(b)(6)* of the *Federal*

Rules of Civil Procedure seeking to vacate same.

BASIS FOR RELIEF

1. On July 18, 2014, the court entered the ADR Order directing debtor Lehman Brothers Holdings Inc. (“LBHI”) and Republic State Mortgage Company to engage in certain Alternative Dispute Resolution Procedures in connection with alleged indemnification claims held by LBHI against Republic State Mortgage Company.

2. On February 26, 2015, Republic State Mortgage Company received an Indemnification ADR Package (the “Claim”) from LBHI which, pursuant to the terms of the ADR Order, activated a twenty day period during which Republic State Mortgage Company must respond. Republic State Mortgage Company, reserving the right to object on this basis, responded on March 19, 2015. Pursuant to the Order, LBHI’s Reply is due April 3, 2015.

3. In preparing its response to the Claim however it became apparent that LBHI does not hold any enforceable claims against Republic State Mortgage Company as a matter of law as: (1) LBHI does not possess a right to repurchase, cure or to be indemnified by Republic State Mortgage Company; and (2) any claims assigned to LBHI are barred by the statute of limitations.

4. Upon information and belief, the retainers being collected from the LBHI mediators are \$20,000 to be split between the parties. This does not include the cost of travel or other expenses for the lenders. In light of the foregoing, and in order to prevent LBHI and Republic State Mortgage Company from incurring the substantial cost of preparing for and participating in premature mediation, Republic State Mortgage Company submits that sufficient cause exists to have its request for stay heard on an

emergency basis.

5. Republic State Mortgage Company has met and conferred with counsel for LBHI to request a stipulated stay but has not received a response to date.

NO PRIOR REQUEST

6. No previous request for the relief requested herein has been made to this or any other court.

WHEREFORE, , for the reasons set forth herein, Republic State Mortgage Company respectfully requests that this Court enter an order, substantially in the form attached hereto as Exhibit A, (i) granting the relief requested herein and (ii) granting Republic State Mortgage Company such other and further relief as the Court deems proper and just.

Dated: March 24, 2015

/s/ Evans Prieston

Evans Prieston, Esq. 3062098
Tracy L. Henderson, Esq. 252888
Admitted Pro Hac Vice
American Mortgage Law Group
75 Rowland Way, Suite 350
Novato, CA 94945
Tel: (415) 878-0030
Fax: (415) 878-0035